

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

BRIAN J. MILLER and	:	Case No. 19-21844-TPA
ANITA M. OSBORNE,	:	
<i>Debtors,</i>	:	
DOLLAR BANK, FSB,	:	Chapter 13
<i>Movant,</i>	:	
v.	:	
BRIAN J. MILLER and ANITA M.	:	
OSBORNE, and, RONDA J.	:	
WINNECOUR, TRUSTEE,	:	
<i>Respondents.</i>	:	

**ORDER**

On April 1, 2020, a telephonic hearing was held on the ***Motion for Relief from the Automatic Stay***, filed by Dollar Bank FSB, at Doc. No. 51; the ***Response*** filed by the Chapter 13 Trustee at Doc. No. 58, and, the ***Response*** filed by the Debtors at Doc. No. 59. Dollar Bank, FSB seeks relief from the Automatic Stay as to the Debtors' real property located at 465 Fernhill Avenue, Pittsburgh, PA 15226 ("Property") due to the Debtors' failure to make full plan payments. The Trustee states that substantial equity may exist in the property, which should be preserved. The Debtors assert they were making partial payments due to being unemployed for a period however the Debtor Husband is now back to work full time and the Debtor Wife is back to work part time. The Debtors recently made a payment in the amount of \$2,500 and expect to make plan payments going forward. As a result,

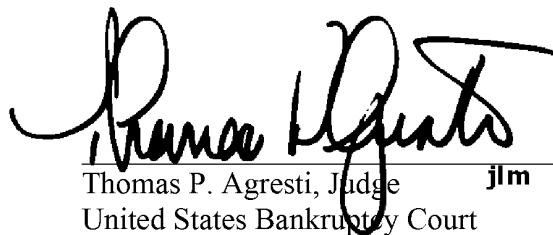
***AND NOW***, this 2<sup>nd</sup> day of ***April, 2020***, it is hereby ***ORDERED, ADJUDGED and DECREED*** that:

(1) The Automatic Stay provided by 11 U.S.C. §362 is terminated as it affects the interests of Movant with respect to the Debtors' real property located at 465 Fernhill Avenue, Pittsburgh, PA 15226.

(2) This Order granting relief from the Automatic Stay is **STAYED** for so long as the Debtors duly make their full monthly Chapter 13 plan payments to the Chapter 13 Trustee, *time is of the essence.*

(3) If any monthly plan payment is at least fifteen (15) days past due, then Marquette Bank may file an *Affidavit of Default*, which shall contain a statement of default as supported by the records of the Chapter 13 Trustee, and request an expedited hearing on the *Affidavit of Default*.

(4) The Court will then schedule an expedited hearing on the *Affidavit of Default* as soon as the Court's calendar will allow.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

JLM

Case administrator to serve:  
Debtors  
Kenneth Steidl, Esq.  
Beth L. Slaby, Esq.  
Ronda J. Winnecour, Esq., Chapter 13 Trustee

**Certificate of Notice Page 3 of 3**  
**United States Bankruptcy Court**  
**Western District of Pennsylvania**

In re:  
 Brian J. Miller  
 Anita M. Osborne  
 Debtors

Case No. 19-21844-TPA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: culy  
 Form ID: pdf900

Page 1 of 1  
 Total Noticed: 1

Date Rcvd: Apr 02, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 04, 2020.

db/jdb +Brian J. Miller, Anita M. Osborne, 465 Fernhill Ave., Pittsburgh, PA 15226-1352

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 04, 2020

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 2, 2020 at the address(es) listed below:

Beth L. Slaby on behalf of Creditor Dollar Bank, FSB bslaby@grenenbirsic.com, mcupec@grenenbirsic.com  
 Brian M. Kile on behalf of Creditor Dollar Bank, FSB bkile@grenenbirsic.com, mcupec@grenenbirsic.com;lstanger@grenenbirsic.com  
 David W. Raphael on behalf of Creditor Dollar Bank, FSB raphaeld@fnb-corp.com  
 James Warmbrodt on behalf of Creditor M&T Bank as servicer for Lakeview Loan Servicing, LLC bkgroup@kmllawgroup.com  
 Jeffrey R. Hunt on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com, cnoroski@grblaw.com  
 Jeffrey R. Hunt on behalf of Creditor County of Allegheny jhunt@grblaw.com, cnoroski@grblaw.com  
 Jeffrey R. Hunt on behalf of Creditor City of Pittsburgh and City of Pittsburgh School District jhunt@grblaw.com, cnoroski@grblaw.com  
 Kenneth Steidl on behalf of Joint Debtor Anita M. Osborne julie.steidl@steidl-steinberg.com, ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com  
 Kenneth Steidl on behalf of Debtor Brian J. Miller julie.steidl@steidl-steinberg.com, ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com  
 Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernssteinlaw.com, jbluemle@bernssteinlaw.com  
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
 Ronda J. Winnecour cmevf@chapter13trusteeewdpa.com

TOTAL: 12